

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JERRY JUNIOR JACQUES,

Plaintiff,

v.

Case No. 12-CV-12056
Honorable Denise Page Hood

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ACCEPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION, DENYING PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT, GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT,
AND DISMISSING THIS ACTION**

I. INTRODUCTION

Plaintiff Jerry Junior Jacques filed this action on May 7, 2012 appealing the Administrative Law Judge's (ALJ) finding that Plaintiff was not disabled and, therefore, not entitled to Supplemental Security Income (SSI) benefits. On February 20, 2013, Magistrate Judge Charles E. Binder recommended that this Court deny Plaintiff's Motion for Summary Judgment, grant Defendant's Motion for Summary Judgment, and dismiss this action. For the reasons stated below, the Court accepts the Report and Recommendation's findings of fact and conclusions of law in full. Therefore, the Commissioner's motion for summary judgment is granted and Plaintiff's motion for summary judgment is denied.

II. BACKGROUND

The Magistrate Judge described the factual basis in great detail. The Court adopts the Report and Recommendation's findings of fact in their entirety.

III. ANALYSIS

The Court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* Objections to the Report and Recommendation must be timely and specific. *See* Fed. R. Civ. P. 72(b)(2); E.D. Mich. L. R. 72.1(d); *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981) (“The filing of objections provides the district court with the opportunity to consider the specific contentions of the parties and to correct any errors immediately.”) “[O]nly those specific objections to the magistrate’s report made to the district court will be preserved for appellate review; making some objections but failing to raise others will not preserve all the objections a party may have.” *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Therefore, a party’s failure to file any objections waives his or her right to further appeal, *Id.*, and relieves the Court from its duty to review the matter independently. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). There are no objections to the Magistrate Judge’s Report and Recommendation. The Court will note that the Magistrate Judge advised Plaintiff of the need to file specific and timely objections in order to preserve the objections for appeal. In the absence of any timely and specific objections to the Report and Recommendation, the Court deems all objections waived and finds the Magistrate Judge’s recommendation sound and appropriate. The Court, therefore, accepts the Report and Recommendation as this Court’s conclusions of law.

IV. CONCLUSION

Accordingly,

IT IS ORDERED that Magistrate Judge Charles E. Binder's Report and Recommendation [Docket No. 12, filed February 20, 2013] is ACCEPTED. The Court accepts the Report and Recommendation's findings of fact and conclusions of law in their totality.

IT IS FURTHER ORDERED that Plaintiff Jerry Junior Jacques's Motion for Summary Judgment [Docket No. 8, filed August 17, 2012] is DENIED.

IT IS FURTHER ORDERED that Commissioner's Motion for Summary Judgment [Docket No. 11, filed October 16, 2012] is GRANTED.

IT IS FURTHER ORDERED that this action is DISMISSED.

IT IS SO ORDERED.

S/Denise Page Hood

Denise Page Hood

United States District Judge

Dated: April 30, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 30, 2013, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager